

REMARKS

OATH/DECLARATION

The Examiner has found the Declaration to be defective because the inventor David F. Lawson has not signed the Declaration in accordance with 37 C.F.R. 1.66 or 1.68.

A fully executed Declaration and Power of Attorney is submitted herewith.

REJECTIONS UNDER 35 U.S.C. § 102

U.S. Patent No. 4,927,887

The Examiner has rejected claims 1, 3, 8, 10, and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 4,927,887 to Tate et al. The Examiner has found that Example 4 of Tate teaches the polymerization of polybutadiene and functionalization thereof with 2-vinylpyridine and secondly with benzyl chloride, followed by compounding the carbon black for the purpose of forming a vulcanizate.

Reconsideration is respectfully requested in view of the amendments made to claims 1 and 10. Applicants maintain that benzyl chloride does not satisfy the recitation of Y' as presently claimed.

U.S. Publication No. 2005/0070672

The Examiner has rejected claims 1, 3-5, 8, 10, and 12-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2005/007067 to Ozawa et al. According to the Examiner, Ozawa, in Examples 8-13, teaches the living polymerization of polybutadiene functionalized first with hydrocarbyloxysilane and secondly with a second hydrocarbyloxysilane, followed by vulcanizing with carbon black or silica.

Reconsideration is respectfully requested. Applicants maintain that the teachings of Ozawa are limited to polymers polymerized by employing coordination catalyst systems and particularly those coordination catalyst systems that include rare earth compounds such as neodymium compounds. It is well known in the art that these catalyst systems and the polymers produced using these systems are entirely distinct from those initiator systems and polymers produced by the claimed invention that are produced by anionic initiators. Each of the independent claims are limited to anionically polymerized polymer. Accordingly, Applicants do not believe that Ozawa can anticipate any of the pending claims.

REJECTIONS UNDER 35 U.S.C. § 103

U.S. Patent No. 4,927,887

The Examiner has rejected claims 2, 5, 11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Tate. The Examiner contends that Tate teaches all claim limitations except for the use of styrene-butadiene copolymer and the specifically claimed reactant Y'. The Examiner maintains, nonetheless, that Tate suggests styrene-butadiene copolymer in the sentence bridging columns 3 and 4, and suggests the use of a species within the scope of Y' at column 7, lines 6-12, thereby providing motivation for those embodiments.

Reconsideration is respectfully requested. With regard to claim 2 and 11, Applicants note that they depend from a claim that Applicants believe is now patentable. Applicants nonetheless reserve the right to separately argue the patentability of these claims. With regard to claims 5 and 14, the same have been cancelled, and therefore the rejections have been rendered moot.

U.S. Patent No. 4,927,887 in view of U.S. Patent No. 6,841,648

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Tate in view of U.S. Patent No. 6,841,648 to Grun et al. The Examiner acknowledges that Tate does not teach the inclusion of an additional rubber in the final vulcanizate. The Examiner maintains, nonetheless, that the blending of polymers for vulcanized tire compositions is entirely conventional and therefore would have been obvious, particularly in view of Grun, which purportedly recommends combining an end functionalized polymer with another polymer for optimizing the vulcanizate.

Reconsideration is respectfully requested. With regard to claim 9, Applicants note that it depends from a claim that Applicants believe is now patentable. Applicants nonetheless reserve the right to separately argue the patentability of this claim.

U.S. Publication No. 2005/0070672

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa. The Examiner acknowledges that Ozawa does not teach the use of a second rubber. The Examiner maintains, nonetheless, that one of skill in the art

would be motivated to use this embodiment because the same is purportedly recommended at paragraph 0115 of Ozawa.

Reconsideration is respectfully requested. Inasmuch as the presently claimed invention and the teachings of Ozawa are commonly owned, Applicants maintain that Ozawa is not an eligible reference under 35 U.S.C. § 103(a) as set forth in 35 U.S.C. § 103(c). Indeed, the subject matter of the claimed invention and the subject matter of Ozawa were, at the time the inventions were made, owned by or subject to an obligation of assignment to Bridgestone Corporation. Attached hereto as Exhibit A is a copy of an Assignment document assigning the subject invention to Bridgestone Corporation. And, attached as Exhibit B, is a report printed from the U.S.P.T.O. website indicating that the subject matter of the Ozawa reference is likewise assigned to Bridgestone Corporation.

ALLOWABLE SUBJECT MATTER

The Applicants acknowledge that the Examiner has found claims 6 and 7 to include allowable subject matter inasmuch as the Examiner believes the same would be allowable in independent form including all of the limitations of the base claim and any intervening claims.

Finally, Applicants note that the Office Action does not specifically address claims 15-18. The undersigned attorney and the Examiner exchanged voice mails on July 5, 2007, and the Examiner indicated that he would review these claims and, in the event that a prior art rejection would be appropriate, the same would occur in a subsequent non-final Office Action.

CONCLUSION

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully requests the Examiner to reconsider the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-4, 8-13, and 17-21 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

The Commissioner is specifically authorized to charge Deposit Account No. 06-0925 in the amount of \$200.00 for the payment of fees for the addition of a fourth

independent claim. In the event that an additional fee is due or that any amount should be credited, the Commissioner is authorized to charge any additions fees or credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AR M Reginelli', written over a horizontal line.

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